



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION**

**BAIL APPLICATION NO. 3523 OF 2023  
(APPEAL NO. 271 OF 2023)**

IMRAN RAJU SHAIKH  
VS.

..APPLICANT

THE STATE OF MAHARASHTRA AND ANR.

..RESPONDENTS

Mr. M.N.Sandhyanshiv, for applicant.

Ms. Veera Shinde, APP for the State.

Ms. Priyanka H. Chavan, for Respondent No.2.

**CORAM : M. S. KARNIK, J.**

**DATE : NOVEMBER 1, 2023**

**P.C. :**

- 1.** Not on board. Taken on board.
- 2.** Heard learned counsel for the applicant, learned APP for the State and learned counsel for respondent no. 2.
- 3.** Though this matter was styled as appeal, in view of invocation of the provisions of Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 ('SCST Act, for short) and the provisions of the Protection of Children from Sexual Offences Act, 2012 ('POCSO', for short) are also invoked, POCSO Act will prevail. My attention is invited to the order dated 03/10/2023 passed by this Court for adopting such course. Consequently, appeal is converted

into an application for bail and accordingly heard by me. Consequential amendment to be carried out by learned counsel for the applicant in the cause-title.

**4.** This is an bail application of the applicant in respect of the offences punishable under sections 363, 366(A), 376(2) (i)(n) of the Indian Penal Code, 1860 under sections 3, 4, 5(L), 8, 16 & 17 of the POCSO and under section 3(1)(w)(i) (ii) of the SCST Act registered on 25/10/2022 vide C.R. No.166 of 2022 with Malegaon Camp police station, was rejected. The applicant was arrested on 13/11/2021.

**5.** At the relevant time, the applicant was 24 years of age. The victim was around 14 years of age. Learned APP and learned counsel for the victim opposed the application for bail. Learned APP submitted that considering the age of the victim, consent of the victim is immaterial.

**6.** The statement of the victim was recorded on 13/11/2022. From reading of the statement of the victim, it is seen that the applicant and the victim were in a love relationship. The applicant eloped with the victim. The victim was staying with the applicant for few days at the residence of the applicant's relative. Considering the age of

the applicant, obviously the consent of the victim is immaterial.

**7.** The applicant was arrested on 13/11/2021. He is now in custody for almost more than 22 months with no possibility of trial concluding any time soon. Learned counsel for the applicant submitted that there are no criminal antecedents reported against the applicant. Learned APP as well as learned counsel for the victim expressed apprehension that in the event the applicant is enlarged on bail, he may try to contact, intimidate or threaten the victim. Considering that the investigation is complete, charge-sheet has been filed and further having regard to the facts and circumstances of the present case where the applicant is incarcerated as an undertrial for almost 22 months with no possibility of trial concluding any time soon and also having regard to the age of the applicant, I am inclined to enlarge the applicant on bail by imposing stringent conditions. Hence, the following order :-

**ORDER**

- (a) The application is allowed.
- (b) The applicant- Imran Raju Shaikh in connection with

C.R. No. 166 of 2022 registered with Malegaon Camp police station shall be released on bail on his furnishing P.R. Bond of Rs.25,000/- with one or more sureties in the like amount.

(c) The applicant is permitted to furnish cash bail surety in the sum of Rs. 25,000/- for a period of 6 weeks in lieu of surety.

(d) The applicant shall attend the investigating officer of Malegaon Camp police station once in three months on first Monday of the concerned month between 11.00 a.m. and 1.00 p.m. till further orders.

(e) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any Police Officer. The applicant shall not tamper with evidence.

(f) On being released on bail, the applicant shall furnish his contact number and residential address to the Investigating Officer and shall keep him updated, in case there is any change.

(g) Except for attending the trial and for the purpose of reporting to the investigating officer, the applicant shall not enter the jurisdiction of Malegaon Camp police station after being released on bail, till the trial concludes.

(h) The applicant shall attend the trial regularly. The applicant shall co-operate with the trial Court and shall not seek unnecessary adjournments.

(i) The applicant shall not make any attempt to contact, intimidate or threaten the victim or witnesses. In case of breach of any of the conditions imposed, it is always open for the victim or prosecution to file an appropriate application for cancellation of bail which shall be considered on priority.

**8.** The application is disposed of.

**9.** I appreciate the valuable assistance rendered by Ms. Priyanka H. Chavan the learned Advocate, who appeared on behalf of respondent No.2 in this proceeding. Her engagement be regularized by the Legal Aid Services Authority.

**(M. S. KARNIK, J.)**